

BEFORE THE BOARD OF MEDICAL EXAMINERS

IN THE STATE OF ARIZONA

In the Matter of

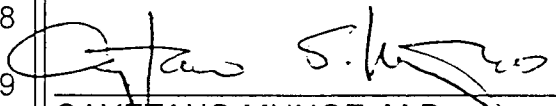
CAYETANO MUNOZ, M.D.

Holder of License No. 9506
For the Practice of Medicine
In the State of Arizona.

Inv. Nos. 12340, 13255 & 13339

**CONSENT AGREEMENT FOR
BOARD ORDER
(Letter of Reprimand)**

IT IS HEREBY AGREED by and between Cayetano Munoz, M.D. and the Board of Medical Examiners (Board), that the accompanying Order be entered in the above-entitled matter and be effective as of the date issued. Dr. Munoz acknowledges that any violation of this Order constitutes unprofessional conduct within A.R.S. § 32-1401(25)(r), and may result in disciplinary action pursuant to A.R.S. § 32-1451. Furthermore, by signing this Consent Agreement, Dr. Munoz waives and relinquishes any right to request rehearing or appeal from or challenge this Consent Agreement by filing any type of administrative or judicial review action seeking to challenge this Order.


CAYETANO MUNOZ, M.D.

Dated: 2/2/00

Reviewed and approved as to form by:


DAN BALLESTER, Attorney at Law
(Counsel for Dr. Munoz)

Dated: 2/2/00

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Dr. Munoz is the holder of License No. 9506 for the practice of medicine in the State of Arizona.

3. On September 2, 1998, Dr. Munoz entered into a Amended Stipulation and Order (for Investigation No. 9098) with the Board wherein he was ordered to complete 50 anesthesia cases which were to be supervised from the point of patient induction to recovery with the supervisor in the room. On March 2, 1999, Dr. Munoz delivered documentation of 50 supervised anesthesia cases.

4. Investigation No. 13255 was initiated when the Board received information that the documents Dr. Munoz submitted to the Board (as referenced in paragraph 3) were not accurate and that in fact Dr. Munoz had not been supervised from point of patient induction to recovery in the 50 cases he submitted to the Board. Subsequently, Dr. Munoz, in his letter to Board staff, dated October 25, 1999, admitted that he was not completely supervised for all of the 50 cases he submitted.

5. On September 30, 1999, Dr. Munoz was placed on concurrent supervision status at Arrowhead Community Hospital and Medical Center. Concurrent supervision was defined as from induction to recovery with the supervisor in the room. Investigation No. 13339 was initiated after information was received from Arrowhead Community Hospital that on October 26, 1999, Dr. Munoz was summarily suspended. The summary suspension was based on Dr. Munoz' failure to comply with the supervision requirements in medical record #139327.

6. Investigation 12340 was initiated after information was received that Arrowhead Community Hospital suspended Dr. Munoz on October 1, 1998, for

1 inappropriate behavior towards a patient and possible inappropriate use of confidential
2 information. After Arrowhead Community Hospital concluded its investigation, the
3 summary suspension was rescinded with conditions on October 22, 1998.

4 7. The September 2, 1998, Amended Stipulation and Order, mentioned above,
5 also required Dr. Munoz to complete 160 hours of continuing medical education (CME)
6 related to airway management and pharmacology. On May 19, 1999, the Board granted
7 Dr. Munoz's request for an extension of a year to obtain the required CME. Dr. Munoz has
8 until September 1, 2000 to comply. This Stipulation and Order remains in effect as a final
9 Order in Investigation No. 9098.

10 8. This matter was submitted to the Board for review and the Consent
11 Agreement for Board Order was approved during the Board's public meeting on February
12 2-4, 2000.

13 CONCLUSIONS OF LAW

14 1. The Board possesses jurisdiction over the subject matter hereof and over Dr.
15 Munoz.

16 2. The conduct and circumstances described above in paragraphs 3 and 4
17 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(r)(violating a formal
18 order, probation, consent agreement or stipulation issued or entered into by the board or
19 its executive director under the provisions of this chapter.)

20 3. The conduct and circumstances described above in paragraphs 3 and 4
21 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(jj)(knowingly making a
22 false or misleading statement to the board or on a form required by the board or in a
23 written correspondence, including attachments, with the board.)

24 4. The conduct and circumstances described above in paragraph 5 constitute
25 unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q)(any conduct or practice which

1 is or might be harmful or dangerous to the health of the patient or the public.)

2 ORDER

3 IT IS HEREBY ORDERED THAT:

4 1. Dr. Munoz is hereby issued a Letter of Reprimand for his unprofessional
5 conduct as described above.

6 2. Dr. Munoz shall comply with the Board's previous Stipulation and Order (as
7 amended) for supplemental CME. See, Findings of Fact at paragraph 7.

8 3. Dr. Munoz is placed on five (5) years probation with the following terms:

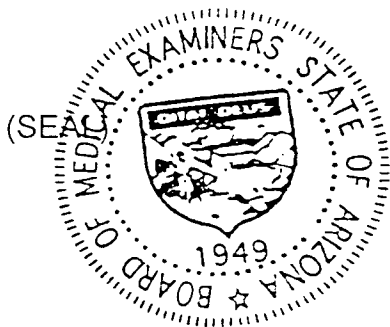
9 (A) Board staff and/or medical consultant shall conduct annual chart
10 reviews of randomly selected anesthesia cases; and, staff shall prepare appropriate
11 reports to the Board relating to the quality of care provided for those patient cases
12 reviewed.

13 4. The Board retains jurisdiction and may initiate new action based upon either
14 the information received from Board staff regarding the supervised anesthesiologist cases
15 and/or random chart reviews or issues regarding compliance with this Order.

16 5. This Order is final disposition of Investigation Nos. 12340, 13255 and 13339.

17 DATED and effective this 2 day of February, 2000.

18 BOARD OF MEDICAL EXAMINERS
19 OF THE STATE OF ARIZONA



21 By Toni Nakama
22 for CLAUDIA FOUTZ
23 Executive Director

1 ORIGINAL of the foregoing filed this
2 3rd day of February, 2000 with:

3 The Arizona Board of Medical Examiners
4 1651 East Morten, Suite 210
5 Phoenix, AZ 85020

6 EXECUTED COPY of the foregoing mailed by
7 Certified Mail this 3rd day of February, 2000 to:

8 Cayetano Munoz, M.D.
9 35 W. Conrad Drive
10 Phoenix, AZ 85023

*Hand Delivered to
Cayetano Munoz, MD 2/3/2000*


11 EXECUTED COPY of the foregoing mailed
12 this 3rd day of February, 2000, to:

13 Dan Ballecer
14 BALLECEER SEGAL
15 Attorney at Law
16 5045 N. 12th St., Suite 102
17 Phoenix, AZ 85014
18 (Attorney for Dr. Munoz)

*Hand Delivered to
Ballecer Segal 2/3/2000*

19 EXECUTED COPY of the foregoing
20 hand-delivered this 3rd day of
21 February, 2000, to:

22 Michael Harrison
23 Assistant Attorney General
24 c/o Arizona Board of Medical Examiners
25 1651 East Morten, Suite 210
Phoenix, AZ 85020


Board Operations